

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Digital Audio Broadcasting Systems)
And Their Impact on the Terrestrial)
Radio Broadcast Service)

MM Docket No. 99-325

COMMENTS

WGUL-FM, Inc., by its attorneys, hereby submits its Comments in the above-captioned proceeding in response to the Public Notice, DA 02-899, released April 19, 2002.

This proceeding was initiated by a Petition for rulemaking filed October 7, 1998 by USA Digital Radio, Inc. ("USADR"). The Notice of Proposed Rule Making was released November 1, 1999 ("Notice").

In the Notice, the Commission stated its intention "to act expeditiously when the time is ripe." (Notice at para 2.) As was observed, in band on channel (IBOC) proponents believed and asserted that digital IBOC systems would provide FM quality sound on AM channels, with possibly greater coverage and enhanced auxiliary capacity. (Notice at para 7.)

There is no question that the AM band, and AM broadcasters, are sorely in need of relief. AM stereo, despite all its prior hype, failed to produce the desired results. Additionally, of course, its introduction was delayed interminably by the FCC's steadfast refusal to mandate a standard for the service, leaving that to the fragmented industry. The AM expanded band, another attempt to afford some AM relief, failed to attract the desired migration. Adoption of an IBOC digital standard may be the last opportunity to afford any relief to the beleaguered broadcasters who still have faith in AM stations as a music source.

WGUL-FM, Inc. is the licensee of a number of stations, both AM and FM, in Florida. It has long been a supporter of IBOC, and has even offered its Station WGUL-AM as a test site at its own expense. However, WGUL-FM, Inc. fears that the future of IBOC digital is now being controlled by those who have no desire to see the AM band (and particularly smaller stations) succeed.

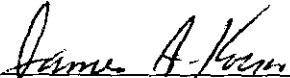
Attached is a copy of a letter sent by the Chairman and CEO of WGUL-FM, Inc. to Chairman Powell, ironically, the day before release of the Public Notice inviting these comments. It is desired that this letter be made an official part of the record of this proceeding.

If the Commission truly intends to act expeditiously, the time is now ripe. The USADR petition was filed nearly four (4) years ago. It took over a year for the Commission to issue its Notice. Now, two and a half (2 ½) years later, the FCC is seeking comments on the iBquity tests. WGUL-FM, Inc. does commend the Commission for its prompt release of the Public Notice soliciting comments after the

filing of the iBiquity test results and the NRSC report. It is now time to adopt IBOC standards.

Respectfully submitted,

WGUL-FM, INC.

By: 
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Its Attorney

June 13, 2002

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Via: Overnight

April 18, 2002

The Honorable Michael K. Powell, Chairman
Federal Communications Commission
Washington, DC 20554

Dear Sir:

The disclosure this week by the National Radio Systems Committee and IBiquity that AM radio stations will not have nighttime IBOC consistency is a heresy which FCC must not let stand. It has been this writers opinion for some time IBiquity has been disingenuous in its efforts and disclosures relating to AM radio in-band digital broadcasting.

At NAB conventions for years the only IBiquity demonstrations for AM under its system were from digital tapes fed through an IBiquity licensed exciter; not very much of a real example. Last year IBiquity promised a real world field test at NAB, Las Vegas only to regrettably inform those who arrived at the test vehicle the Las Vegas AM radio station which was to test over the air had changed its format and the test was canceled. Bob Struble, IBiquity CEO, has been regularly evasive on the AM in-band on-channel developments. In a personal meeting 2 years ago, he suddenly had a meeting to attend when questions became targeted.

Our AM radio station, WGUL AM, is one of only a handful of successful AM music stations in the USA. IBOC will bring sizzle to the band and give local independent broadcasters, the owners of many AM stations, a reason for business optimism. We had discussions with Lucent's IBOC division prior to IBiquity taking them over. WGUL AM offered, at its own expense, to be a first commercial test of Lucent's then competitive IBOC technology. Two of their experts visited Tampa Bay to review how we should proceed shortly before Lucent's acquisition. IBiquity, soon after, informed WGUL test stations had already been selected.



WGUL FM, INC. & AFFILIATIONS:

WGUL 860 AM
TAMPA BAY'S MUSIC OF YOUR LIFE

WFFB AM
COCONA, FL

MUSIC OF YOUR LIFE
TAMPA BAY'S MUSIC OF YOUR LIFE

WGUL 106.3 FM
TAMPA BAY'S NATURE COAST

WGUL 106.3 FM
TAMPA BAY'S NATURE COAST

AAIRS
The Association of Independent Radio Stations

WGUL 106.3 FM
TAMPA BAY'S NATURE COAST

WGUL 920 AM
TAMPA BAY'S MUSIC OF YOUR LIFE

Shadavina
Capital Trust, Inc.
CORPORATE TRUST & MANAGEMENT

WTVT 13.60 AM
TALK OF THE CITY & CO. VIV. FL.

It should be troubling to all broadcasters of good faith that IBiquity is guided by America's largest broadcasters, some of whom think it perfectly appropriate to own revenue shares of 95% in markets like Sarasota-Bradenton, Florida, and whose bulk of ownership come from FM stations and 50 kilowatt AM's. IBiquity is an FM concentrated company at its core with no real incentive to pull AM stations into parity with FM's.

From our 4 years of trying to understand AM in-band digital broadcasting, there is most compelling evidence that on a scale of magnitude its improvement to AM stations far exceeds that of FM. IBiquity has no incentive to focus on AM. That they are in a position to guide IBOC development, and with FCC assent, charge royalty fees too, should concern all free market advocates. It is hoped FCC in its wisdom will see much of IBiquity for what it is... not a transparent industry serving technical force, but a radio robber baron which is only self interested.

As the problem is understood, which R & R magazine called a "death knell" for AM, IBOC's night-time predicament in the eyes of this proponent is an adjacent channel one principally caused in the 81 year old protection afforded the 45 clear-channel Class 1A and 1B stations to all adjacencies. This protection was quite appropriate over the years accepting the "white space" theory of FCC's technical staff, which in this writers opinion is World Class and far under-used to solve the many current concerns you face, particularly this one.

The public policy and national security issues of the clear-channel stations, which pioneered our industry, are no longer applicable. There is now a compendium of diversity and voices in American radio making the adjacent channel protections matter moot. Protecting clear-channel stations as far away as thousands of miles, over land and sea, must be set aside to solve the AM IBOC night-time "death knell." They will not be harmed and the hundreds of AM broadcasters, many of whom are disenfranchised for a myriad of reasons, would be brought back into today's lopsided radio broadcast industry.

Your personal help is critical in this matter and you will be thanked in ways which will make the entire Commission proud.

Very truly yours,

Carl J. Marocco

Carl J. Marocco
Chairman & CEO,
The Gull AM-FM Group
WGUL FM, INC., Licensee

Cc: The Honorable Michael Bilirakis, Congress of the United States
Harry Jessell, Broadcasting and Cable